

Appl. No. 10/719,719  
Response dated 03/14/2008  
Reply to Office Action of 01/10/2008

### REMARKS

Applicants' representative gratefully acknowledges the Examiner's courtesy in discussing this case in two separate telephone interviews, most recently on March 6, 2008.

Claims 1, 2, and 11 are currently amended. Claims 3 – 10, 12 and 13 remain as originally or previously presented. Claims 14 – 17 are new.

Claims 1 – 13 have been rejected under 35 USC §103(a) as being unpatentable over Ricketts. The Examiner argues the present claims recite subject matter that is met by Ricketts for the reasons set forth in the previous Office Action except for the plurality of second card reader means being located at emergency areas outside of the facility served by the monitoring system and the portable computer being located at a remote secure position outside of the monitoring system. The Examiner finds that although not specifically stated by Ricketts, it would have been obvious to one of ordinary skill in the art at the time the invention was made to locate the second card reader means and monitoring system in any location which would provide the most desired effect. However, it is respectfully submitted that a facility employing the Ricketts system would in no way be motivated to provide any device analogous to the present claimed second card reader means outside of the facility. Although not specifically limited to use in prisons, the Ricketts system generally is designed for facilities such as prisons, nursing homes, and residential care facilities, where the problem being addressed is – “Is everybody in?” As an emergency ingress/egress system the problem being addressed by the present claimed invention is – “Is everybody out?”

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Generally speaking, Ricketts is a complex system which is appropriate for use in a few select situations where individuals' civil liberties are at least somewhat compromised for the sake of safety. Once in the Ricketts system, an individual's movements are tracked at all times. However, in the event of a catastrophic emergency, Ricketts fails. And, Ricketts fails if one were to take into account the Examiner's argument that it would be obvious to one of ordinary skill in the art to locate a device analogous to the second card reader means outside of the facility. Simply put, individuals whose personal liberties have been compromised, for example, prisoners and nursing home patients, can't be expected to gather at muster points or phone in to register their safe egress from the facility. But responsible individuals can. These are individuals in situations for which the Ricketts system would be a completely inappropriate violation of individual privacy. Examples of such are individuals in various offices in an office building. It is submitted that the present claimed system is much closer to such ingress/egress monitoring systems currently in place than it is to the Ricketts system. That is, it is common practice for individuals entering and exiting such a facility to use a personal identification card, or even biometrics such as a fingerprint, to register ingress and egress. A common prior art method for handling emergency evacuations in such situations is to assign each of various groups within the building a unique muster point. For example, everyone from the accounting department gathers under the elm tree across the street until it can be determined that all have evacuated safely. In practice drills this system is reasonably effective but in an actual case of emergency its efficacy depends on the ability of individuals to remain calm and follow procedures that may seem senseless at the time.

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People will wander off to check on other friends or head home to check on their family. People think that someone was present who is no longer there – did he really get out and he's walked away or is he still in the building? It's a recipe for chaos. The present system very simply supplies multiple egress monitoring points at locations a safe distance from the building and adds the means for shifting control of the system from a central computer to a decentralized, portable computer in the event of a catastrophic emergency. Thus, the present system allows individuals to register their safe egress from the building at any convenient egress monitoring station and then leave the area, or, to call an emergency phone number to register such safe egress. As Ricketts in no way anticipates or renders obvious such actions on the part of the individuals being monitored, it is requested that the Examiner reconsider and withdraw the present rejection.

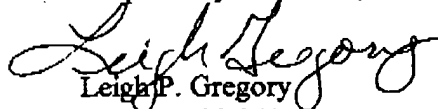
Claims 14 – 17 have been added. These claims are patentable over Ricketts for the reasons discussed above with respect to claims 1 – 13. These claims merely acknowledge that the ingress and egress monitoring means may be biometric in nature rather than card readers as required by the earlier present claims.

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Thus, it is submitted that the present case is in condition for allowance and such action is respectfully requested.

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Respectfully submitted,

  
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